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8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON  
10                  AT TACOMA

11                  NEIL GREENING,

12                  Petitioner,

13                  v.

14                  JAMES KEY,

15                  Respondent.

16                  CASE NO. 16-5983 RJB DWC

17                  ORDER ON PETITIONER'S  
18                  RESPONSE TO RESPONDENT'S  
19                  PRESUMPTIVE MOTION TO  
20                  STRIKE PETITIONER'S  
21                  OBJECTIONS TO REPORT AND  
22                  RECOMMENDATION

23                  This matter comes before the Court on the Petitioner's Response to Respondent's  
24                  Presumptive Motion to Strike Petitioner's Objections to Report and Recommendation. Dkt. 78.  
The Court has considered this pleading, and the remaining record.

25                  On August 8, 2018, after a full consideration of all Petitioner's objections, the  
26                  undersigned adopted the Report and Recommendation, denied the petition, and closed the case.  
Dkt. 76.

27                  Petitioner filed the instant pleading that same day, on August 8, 2018, and moves the  
28                  Court to consider all his objections. Dkt. 78. Petitioner's Response to Respondent's

1 Presumptive Motion to Strike Petitioner’s Objections to Report and Recommendation (Dkt. 78)  
2 should be construed as a motion to consider the objections.

The Court specifically provided in the Order Adopting the Report and Recommendation (Dkt. 76) that it considered all of Petitioner’s objections. Accordingly, Petitioner’s Response to Respondent’s Presumptive Motion to Strike Petitioner’s Objections to Report and Recommendation, construed as a motion to consider the objections, (Dkt. 78) should be denied as moot.

## **IT IS SO ORDERED.**

9 The Clerk is directed to send uncertified copies of this Order to all counsel of record and  
10 to any party appearing pro se at said party's last known address.

11 Dated this 9<sup>th</sup> day of August, 2018.

Robert F. Bryan

ROBERT J. BRYAN  
United States District Judge